MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

JULY 17, 2012

INVOCATION:
Paul Berry of Calvary Chapel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Patino led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach, Patino and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Haydon, Senior Assistant City Attorney/Utilities Counsel Stockton, Director of Public Works/City Engineer Whitehead, Director of Parks & Recreation Posada, Police Chief Macagni, Fire Chief Orr, City Librarian Housel, Deputy City Manager Lara, Utilities Engineer Kahn, Accounting and Budget Manager Harvey, Planning Division Manager Woods, and Chief Deputy City Clerk Garietz.

1. PROCLAMATIONS/PRESENTATIONS:

A. VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Earl and Donna Thacker, for their support in the community with their holiday season cheer and generosity. Recreation Supervisor Smitherman accepted the gift on their behalf.

2. PUBLIC COMMENT
Mark Rademaker spoke about the Constitution and his opposition to abortion.

Nancy Stewart spoke about the Recreation and Parks Departments and the Concerts in the Park being a free, fantastic family event. She thanked the City for these great programs and events.

Ernest Armenta spoke about a Veteran who had passed away from cancer. He also spoke about Carl Warren & Co. and the City contracting its third party liability program services outside of Santa Maria. He also commented that government employees receive better retirement plans than non-government employees.

3. CONSENT CALENDAR
Councilmember Boysen indicated that he had a conflict and would be abstaining from voting on Item 3C, Payment of Warrants.

Councilmember Cordero asked to comment on Item 3E.

Item 3E – Award of Bid for the Broadway and Main Street Energy Efficiency Streetlight Improvement Project
Councilmember Cordero asked about the $100,000 difference between the lowest bidder and the second lowest bidder, noting that the low bidder was from San Jose and the second lowest bidder was from Santa Maria.

Director of Public Works/City Engineer Whitehead responded that the award of the public works contract allowed staff to execute an agreement with the contractor. Staff has to assure the requirements of the agreement are met prior to the execution of the agreement. If the contractor is not able to meet the requirements of the agreement, then staff would have to bring the matter back to the Council for further consideration.

Councilmember Cordero indicated that he also asked Director of Public Works/City Engineer Whitehead about the use of solar energy, but was told that it would be cost prohibitive at this time.

Consent Calendar Items 3A through 3G (except 3C) were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Consent Calendar Item 3C was approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Boysen

A. ORDINANCES.
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of July 3, 2012, were approved as submitted.

C. WARRANTS.
Warrant Nos. 173608 to 173844 totaling $2,166,552.82 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 169056, 173391, and 173429 were cancelled.

D. PAYROLL.
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. AWARD OF BID.
Resolution No. 2012-85 was adopted approving a contract with Amland Corp. to award Bid No. 2012/07, Broadway and Main Street Energy Efficiency Streetlight Improvement Project in the amount of $450,000.

Resolution No. 2012-85 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH AMLAND CORP. FOR THE BROADWAY AND MAIN STREET ENERGY EFFICIENCY STREETLIGHT IMPROVEMENT PROJECT, BID NO. 2012/07.

F. CALL FOR BIDS
Authorization was granted to call for bids on the plans and specifications for the 2013 Street Overlay and Concrete Improvement Project, Bid No. 2013/02.

G. CALL FOR BIDS
Authorization was granted to call for bids on the plans and specifications for the Street Maintenance (Chip Seal), Bid No. 2013/03.

APPOINTMENTS:

4. APPOINTMENTS TO VARIOUS COMMITTEES AND BOARDS
Chief Deputy City Clerk Garietz gave the staff report. The City Council is requested to make five appointments to the Block Grants Advisory Committee, one appointment to the Landmark Committee, and two appointments to the Library Board of Trustees.

Block Grants Advisory Committee
There are currently five vacancies on the Block Grants Advisory Committee for a regular term of three years ending in July 2015. Four applications were received from Incumbents Karen Cordary, Robert Doyle, Robert Litzinger, and Nicholette (Burke) Reeves, and one new application was received from Michael Madriaga. Nominations will be made by each member of the City Council.

Councilmember Boysen nominated Robert Doyle.
Councilmember Cordero nominated Nicholette (Burke) Reeves.
Councilmember Patino nominated Karen Cordary.
Councilmember Orach nominated Michael Madriaga.
Mayor Lavagnino nominated Robert Litzinger.

On motion by Mayor Lavagnino, seconded by Councilmember Cordero, and carried unanimously that Karen Cordary, Robert Doyle, Robert Litzinger, and Nicholette (Burke) Reeves were reappointed, and Michael Madriage was appointed to the Block Grants Advisory Committee.

Landmark Committee
There is one vacancy on the Landmark Committee for an unexpired term ending in January 2014. One application was received from Michelle Huitron.

On motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried unanimously, that Michelle Huitron was appointed to the Landmark Committee.

Ms. Huitron spoke and thanked the City Council for appointing her and indicated that she is looking forward to her new appointment.

Library Board of Trustees
There were two vacancies on the Library Board of Trustees for regular terms of three years ending in July 2015. An application was received from Incumbent Margaret Cooper, and a new application was received from Sara Lougee.

On motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried unanimously, that Margaret Cooper was reappointed and Sara Lougee was appointed to the Library Board of Trustees.

PUBLIC HEARINGS:

5. ANNUAL WEED ABATEMENT PROGRAM ASSESSMENTS.
Director of Public Works/City Engineer Whitehead gave a presentation as detailed in the written Council Agenda Report. The City Council will consider protests to the proposed assessments for the City's Annual Weed Abatement Program to be collected as part of the 2012-13 property tax rolls. On March 21, 2012, Streets and Facilities staff mailed an abatement letter to owners of 243 properties. This letter informed the property owners of the Weed Abatement Program and that their property was in need of abatement. By signing and returning the mailed abatement letter to the Streets and Facilities Supervisor, property owners indicated their intention to accomplish abatement on their own and to continually abate nuisances in the event of recurrence. The abatement letter gave a deadline of April 13, 2012, for property owners to notify the Streets and Facilities Supervisor of their intent to accomplish their own abatement. After receiving notification, property owners themselves abated 226 lots. The City's contractor abated weeds and debris on the balance of 17 lots. The Streets and Facilities Supervisor has developed a report of costs and has listed by assessor parcel number the 17 lots abated. Landfill charges were distributed to those lots where the volume of weeds or other debris created the need to haul material off-site. The administrative fee calculation method is based on a straight percentage of the abatement costs and generally covers the costs associated with the work required to administer the program, secure the services of contractors, and measure the areas of abatement for payments to the contractors. The cost of abatement constitutes a special assessment against said properties. One parcel was listed twice on the report due to the need to abate the property two times during the period resulting from complaints from residents of the hazardous nature of the property. Charges for the service will be added to the property tax bill for each parcel abated by the City. Work performed on City-owned properties is paid out of funds budgeted for this purpose.

Public Hearing
There were no written communications received.

Councilmember Patino asked if staff sends the property owner a bill requesting payment within a certain number of days or is it just placed on the tax bill. She also asked if property owners were notified that the weed abatement costs would be placed on their tax bills.

Director of Public Works/City Engineer Whitehead responded that a bill is not provided to the property owner. He responded that the notification that is sent to the property owner indicates that the weed abatement costs will constitute a lien until paid.

Councilmember Cordero commented that a citizen indicated that the weed abatement process was appreciated.

Mayor Lavagnino opened the public hearing.
With no other requests to speak, the public hearing was closed.

Resolution No. 2012-86 was adopted confirming the report of weed abatement costs and directing the costs to be submitted to Santa Barbara County for collection with the 2012-13 property taxes on motion by Councilmember Orach, seconded by Councilmember Boysen, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2012-86 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING REPORT OF WEED ABATEMENT COSTS FOR ASSESSMENT PURPOSES BY THE STREETS AND FACILITIES SUPERVISOR.

REGULAR BUSINESS

6. CERTIFICATION OF JUNE 5, 2012, SPECIAL MUNICIPAL ELECTION.

Chief Deputy City Clerk Garietz gave a presentation as detailed in the written Council Agenda Report. The City of Santa Maria consolidated its Special Municipal Election with the State-wide Primary Election conducted by the County of Santa Barbara Elections Division. On June 28, 2012, the County Clerk-Recorder certified the election results regarding the City's one quarter cent transactions and use sales tax, also known as Measure U2012, Essential Services. The County Clerk-Recorder's Certificate of Election Results of the Official Canvass must be accepted by the City Council. The canvass of the election and certified election results of the June 5, 2012, Special Election reveals total votes cast 10,442, which includes Yes votes 6,678 and No votes 3,764. The majority of the voters voting on Measure U2012 relating to Essential Services within the City did vote in favor of Measure U2012. Consequently, it was carried by the voters, and shall be deemed adopted and ratified by the Council as Ordinance No. 2012-11 and incorporated within the Municipal Code as new Chapter 3-8A, Transactions and Use Tax.

Ernest Armenta commented that it was embarrassing that the City has over 25,000 registered voters and only 10,000 voters voted on the Measure U2012. He said that no one should complain about the sales tax if they did not vote.

Resolution No. 2012-87 was adopted accepting the certification of the 2012 Special Municipal Election by the County Clerk-Recorder, declaring the result, and adopting and ratifying the full text of Measure U2012 as Ordinance No. 2012-11 on motion by Councilmember Cordero, seconded by Councilmember Boysen, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2012-87 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECITING THE FACTS OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 5, 2012, DECLARING THE RESULTS, AND ADOPTING AND RATIFYING THE FULL TEXT OF MEASURE U2012, AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

7. APPROVING AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR PREPARATION AND ADMINISTRATION OF THE CITY OF SANTA MARIA TRANSACTIONS AND USE TAX AS APPROVED BY THE VOTERS.

Accounting and Budget Manager Harvey gave a presentation as detailed in the written Council Agenda Report. The City Council will consider approving agreements with the State Board of Equalization (SBOE) for preparation and administration of the City's transactions and use tax as approved by the voters; and authorizing the City Manager to execute agreements with the SBOE for the implementation and administration of the local transactions and use tax. The SBOE charges for the direct and indirect costs to prepare to administer the collection and disbursement of the tax, specified in Government Code Section11256. The preparation agreement provides for a one-time cost not to exceed $175,000. Besides what was provided in the agreement that includes the SBOE's language and could not be altered, staff has not been provided with any other details. The SBOE's administrative costs are provided by law and will be deducted from the taxes collected by the SBOE. The quarterly administration costs are estimated at $3,500.

Councilmember Cordero commented that every city in the state is trying to recover from financial problems that to some degree were caused by the State. The City and the voters were able to establish the quarter cent sales tax and now the State wants to charge the City to implement the program. It just did not seem fair. The State still had their hand in the City's pocket.

Accounting and Budget Manager Harvey estimated the cost to be approximately $14,000 per year. If staff's estimates are right on for nine years, the City will pay $176,000.

Councilmember Orach commented that the City had never had the opportunity for a sales tax measure because it had never asked the voters to support one before. He agreed with Councilmember Cordero that it did not seem quite fair, but he understood that there were administrative costs.

Councilmember Patino commented that the amount being charged by the State was excessive. She also asked Staff report back to the Council if the State decided to charge the City more than the $175,000 for the administration and collection costs.

Resolution No. 2012-88 was adopted approving agreements with the State Board of Equalization for preparation and administration of the City of Santa Maria Transactions and Use Tax as approved by the voters, authorizing the City Manager to execute agreements with the State Board of Equalization for the implementation and administration of the local transactions and use tax on motion by Councilmember Boysen, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2012-88 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX.

CITY MANAGER'S REPORT

City Manager Haydon reported on items anticipated for the August 7, 2012, Council meeting including a presentation of the Chamber and EDC annual reports by Bob Hatch of the Chamber of Commerce; two Public Hearing items regarding a general plan and zone change for the new Police facility on Betteravia Road, and the Moving Buildings text amendment; and a Consent Agenda item regarding cost-sharing agreements with the County of Santa Barbara for the levee rehab work.

City Manager Haydon also reported that on June 6, 2012, the City Council received a presentation by Mr. Towbes on Hancock Apartments. The City Council asked that staff meet with the Elementary School representatives. He and Community Development Director Appel met with Superintendent Phil Alvarado, Matt Beecher, and Mike Grogan on July 9, 2012. Mr. Haydon indicated that the Elementary School representatives indicated that their concern was to have no more single family homes built in the City and that there seemed to be a rush on high density apartments being built within the City which is having an impact on the schools. The school district requests that Council and staff come for a site visit after the school year begins to see the impacts of the high density projects. The school district indicated that to site a new school requires 10 acres at a cost of $24 million.

Mayor Lavagnino commented that Miller School would be the school most impacted by the Towbes project. The school had approximately three acres of vacant property that could be used to accommodate the new students. It was the Council's responsibility to run the City in the most efficient way it possibly could. The School Board's responsibility was to run the school district. He indicated that he would be willing to meet with the school board representatives.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Cordero reported that he took a week off to travel to Cambria, and attended the League of California Cities meeting in Atascadero.

Councilmember Orach reported he attended Patti Rodriguez's retirement party and dinner.

Mayor Lavagnino reported that he attended Patti Rodriguez's retirement party, a meeting with Chuck Cova at Marian Hospital, the Santa Barbara County Fair Kick-Off, the North County Subregional meeting, and the Mayor's and Manager's luncheons. He commented on the two fines of $1,000 each that were issued for illegal fireworks over the July 4th holiday.

Councilmember Patino reported that she attended a Junior Rodeo in Westlake, California where her grandchildren was competing, the Fair Park Kick-Off party and reception, watched the swine, beef, and rabbit shows at the fair, attended a workshop on fracking put on by the California Department of Conservation Division of Oil, Gas, and Geothermal Resources, the Santa Maria Day Reporting Center graduation at Hancock College, a Santa Maria Women's Network gathering, a luncheon for Paul Teixiera, San Luis Obispo County Speak, the Recreation and Parks Meritorious Awards ceremony at

Maldonado Center, the annual Pioneer Picnic, a Filipino Senior Citizen Luau, the groundbreaking ceremony at the Industrial Technology Complex at Hancock College, and a Rotary meeting where Police Chief Macagni spoke.

Councilmember Boysen reported that he attended Recreation and Parks Meritorious Awards ceremony. He stated that there will be a community panel on July 18th at Shepard Hall from 8:45-11:30 a.m. as a follow-up to the Partners for Excellence conference the he and Councilmember Cordero attended. Councilmember Boysen commented that he was concerned about the incremental impact that the City's residential development was having on the school districts, and was interested in working collaboratively with the schools to finding a solution. He stated that his grandchild, Gracie Marie, was born nine days ago.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Councilmember Boysen in honor of his new granddaughter, Gracie Marie, at 7:23 p.m.

APPROVED

August 7, 2012
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria

ATTEST

Chief Deputy City Clerk